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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 August 1998, at 3 p.m.

Chairman: Mr. GUISSÉ

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/1998/L.5, L.7, L.9 and L.12-L.14)

1. The CHAIRMAN invited the Sub-Commission to consider and take action on the draft resolutions submitted under agenda item 2. He reminded the members of the procedure according to which the Sub-Commission was authorized by the Economic and Social Council to proceed to a vote by secret ballot if the majority of members present and voting so requested. In that connection, he recalled Sub-Commission decision 1997/106 which stated that the Sub-Commission had decided "to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature".

2. Mr. ALFONSO MARTÍNEZ said he wished to place on record the fact that he did not agree with the secret ballot procedure being used in respect of draft resolutions under agenda item 2. However, since, he was aware that most of his colleagues were in favour of the procedure, he would not press the point.

3. Mr. FAN Guoxiang said it was clear from the Sub-Commission's mandate that the review and adoption of resolutions on country situations was not to be regarded as a central part of its work. It was disappointing that, over the years, so much effort had been expended in that endeavour. Commission resolutions, including resolutions 1998/66 and 1998/28, should not be misrepresented to justify the Sub-Commission continuing and reinforcing its activity in respect of country resolutions.

4. The practice of criticizing on a selective basis a large number of countries in a single draft resolution was an exercise that many experts and governmental and non-governmental observers could not endorse. At the Sub-Commission's forty-seventh session, an expert had submitted a draft resolution criticizing by name a large number of countries under the pretext of monitoring the extent to which the Member States cooperated with United Nations procedures; that draft resolution had encountered strong opposition and had had to be withdrawn. There was a similar draft resolution before the Sub-Commission at its current session.

5. The reason behind it was the need to protect the rights of human rights defenders. While acknowledging the importance both of cooperating with United Nations human rights monitoring bodies and of protecting human rights defenders, he was concerned that political motives might be concealed behind noble objectives.

Draft resolution on the Bhutanese refugees (E/CN.4/Sub.2/1998/L.14)

6. Mr. EIDE, speaking as a sponsor of the draft resolution, said that, following very long and constructive consultations, a draft Chairman's

statement had been drawn up which would, he hoped, lead to a resolution of the problem. If the draft Chairman's statement were acceptable to the Sub-Commission, the draft resolution could be withdrawn. He then read out the text of the draft Chairman's statement:

"Sub-Commission calls for negotiation in good faith

"The Sub-Commission has been aware of the plight of the approximately 90,000 individuals of Nepali ethnicity, the majority of whom assert that they previously lived in Bhutan but have been residing within UNHCR-administered camps in eastern Nepal for as long as seven years, as well as others who are living outside the camps in Nepal and India. The Sub-Commission is also aware that the actual status and origin of many of these people is the subject of dispute and should be sorted out by an appropriate verification procedure. The Sub-Commission expresses its deep concern over the serious human rights implications of this situation.

"The Sub-Commission is particularly concerned about the ongoing resettlement programme in southern Bhutan that may also affect some of the lands previously belonging to the refugees. It therefore urges the two Governments concerned to negotiate in good faith towards a peaceful solution consistent with international human rights standards. The Sub-Commission encourages the parties concerned to set up an impartial verification process and to make more effective and urgent efforts to negotiate the return of the verified Bhutanese refugees, so that they can leave the camps voluntarily and return home in conditions of safety and dignity.

"In this regard, the Sub-Commission suggests that the Governments involved avail themselves of technical assistance from the Office of the High Commissioner for Human Rights and from the Office of the High Commissioner for Refugees so as to facilitate a fair and lasting resolution which takes into account representations on behalf of the displaced population and the principles of international law relating to non-discrimination; the right to return; the right not to be arbitrarily deprived of one's nationality; the reduction of statelessness; and the fulfilment of economic, social and cultural rights.

"The Sub-Commission calls on the parties concerned to negotiate in good faith in the hopes of achieving peace and protecting human rights. The Sub-Commission hopes by making this statement to contribute towards the achievement of the protection of human rights in this context by considering this matter at its fifty-first session."

7. Mr. SINGYE (Observer for Bhutan) said his delegation fully understood the Sub-Commission's concern about the humanitarian situation of the people in the camps in eastern Nepal and the need to find an early solution to the problem. Bhutan believed that a just, comprehensive and lasting resolution of the problem could be achieved through bilateral dialogue with Nepal. The region was marred by explosive population growth, shrinking resources and inadequate economic opportunities, resulting in massive movements of population both within the region and beyond.

8. Given its small population and the modicum of success it had enjoyed in its development efforts, Bhutan was a favoured destination for many Nepalese economic migrants. Nepalese immigrants currently comprised nearly 25 per cent of Bhutan's population and, being a small country with inherent vulnerabilities, Bhutan could absorb no more.

9. Its citizenship and immigration laws had been deliberately misinterpreted and its actions against illegal immigration politicized and projected as human rights violations. Gathering people into the camps in eastern Nepal was intended to attract international attention and sympathy. The camps had been an attractive destination for economic migrants of various backgrounds posing as refugees from Bhutan.

10. Both Bhutan and Nepal accepted that there were four categories of people in the camps. The bilateral dialogue was seeking to harmonize the two Governments' positions on each of the four categories following which joint verification of the people concerned would be undertaken on the basis of an already agreed mechanism. Once that had been done, the problem should be speedily resolved. The bilateral negotiations were a process to which both countries were deeply committed. In that context, Bhutan hoped that the Sub-Commission's call on the two Governments to negotiate in good faith would yield positive results. It was Bhutan's belief that Nepal also remained committed to the process.

11. Changes had recently been introduced in the governance of Bhutan: the King himself was henceforth subject to a vote of confidence in the National Assembly and a new Council of Ministers had been elected by the Assembly which had accorded the highest priority to resolving the problem of the people in the refugee camps in Nepal.

12. Mr. ALFONSO MARTÍNEZ said he welcomed the negotiation of a text which was satisfactory to the Government of Bhutan and noted that, when it referred to a fair and lasting resolution which took into account the principles of international law relating to non-discrimination and other matters, it should be understood to mean that it would also take into account the human rights standards that might be applicable.

13. Mr. SORABJEE said that the negotiation of the Chairman's statement was a very commendable effort which the Sub-Commission should try to imitate in respect of other countries.

14. The CHAIRMAN said he took it that the Sub-Commission wished to adopt the draft Chairman's statement in place of the draft resolution (E/CN.4/Sub.2/1998/L.14).

15. It was so decided.

Draft resolution on the situation of human rights in Belarus (E/CN.4/Sub.2/1998/L.5)

16. Mr. WEISSBRODT, introducing the draft resolution, said that for many years the Sub-Commission had had on its agenda the situation of human rights violations in particular countries, and in that regard had played an important

role within the United Nations. The Commission on Human Rights had been unable adequately to handle all the country situations which merited or required attention, and the Sub-Commission had played a needed role through its capacity to review specific country situations that were not on the Commission's agenda. It also had an important role in relating those country situations to its thematic considerations on questions of human rights.

17. Belarus was one such country which had not received adequate attention from the Commission, and it was a situation where the Sub-Commission could make a contribution to the promotion and protection of human rights. While there were several issues that could be raised when considering the situation in Belarus, the draft resolution reflected the concerns which were communicated by the Human Rights Committee when it noted in its concluding observations in November 1997 that "remnants of the former totalitarian rule" persisted and that the human rights situation in Belarus had "deteriorated significantly since 1992". The Committee had also noted, in particular, the persistence of political attitudes that were "intolerant of dissent or criticism and adverse to the promotion and full protection of human rights, the lack of legislative limits on the powers of the executive, and the growing concentration of powers, including legislative powers, in the hands of the executive, without judicial control".

18. Unfortunately, in Belarus, judges were dismissed by the President without any protection for judicial independence. Half of the Senate had been appointed by the President. The executive held firmly the reins of power, resulting in a concentration of governmental power that was incompatible with judicial integrity and democratic control. Those issues were further compounded by the severe limitations placed on freedom of expression within the country. While the cooperation of the Government of Belarus with the United Nations Development Programme (UNDP) and the Organization for Security and Cooperation in Europe (OSCE) represented a positive development, the basic institutional problems that gave rise to those serious human rights concerns remained.

19. He had consulted all the members of the Sub-Commission and, as a result, he had a number of changes to make to the text of the draft resolution. Paragraph 2 (a) should read: "To lift restrictions on freedom of expression which limit a citizen's right to criticize without incitement to violence the Government or those who occupy a position of power and authority". A new paragraph 2 (c) would be added to read: "To take effective steps to ensure the independence of the judiciary". In paragraph 3, the words "and the Organization for Security and Cooperation in Europe" should be added after the words "the United Nations Development Programme" and the first line of paragraph 4 (b) should be expanded to read: "To recommend also to the Commission on Human Rights to invite international organizations, such as the Council of ...".

20. Mr. ALFONSO MARTÍNEZ said he was not happy about the general idea behind the draft resolution: on the basis of Mr. Weissbrodt's introduction, he could see no need for it. In paragraph 1 (b), the Sub-Commission made an unfounded judgement on the balance of power in a country. With regard to paragraph 2 (b), he was aware of no rule of international human rights law which expressly protected journalists and human rights workers. The change to

paragraph 4 (b) made it even more difficult for him to accept: the organizations concerned had already received the cooperation of the Government of Belarus to carry out investigations in the country. The draft resolution was quite unacceptable and he requested that it be put to the vote.

21. Mr. KARTASHKIN said that Commission resolution 8 (XXIII), on which agenda item 2 was based, referred to country situations revealing a consistent pattern of violations of human rights and fundamental freedoms. The Sub-Commission had heard statements in recent days describing massive, systematic and flagrant violations of human rights in many countries of the world and he wondered what criteria were used in singling out particular States for draft resolutions. The draft resolution on Belarus criticized the concentration of legislative power in the executive branch of government and the weakness of the judiciary, but he knew of no human rights instrument that laid down any obligations regarding the separation of powers. When it came to the vote, his own position would depend on whether anyone could provide a convincing reason why the Sub-Commission should pick on Belarus.

22. Mr. JOINET said it was difficult to establish generally acceptable criteria. He had been accused of applying the wrong criteria when he tabled a draft resolution on the Soviet Union in 1982, but subsequent events had shown that the real situation was even worse than alleged. Reports by non-governmental organizations (NGOs) of human rights violations in Belarus were consistent and convincing: hence his decision to sponsor the draft resolution.

23. Ms. HAMPSON said that many countries had improved their human rights record since 1990 but Belarus was a striking example of a State in which the opposite had occurred. According to the Human Rights Committee, its record was bad and becoming distinctly worse. The President had used the concentration of power in his hands to issue decrees that violated not only international human rights law but also internal constitutional guarantees, seriously restricting the rights to freedom of expression and assembly and access to legal assistance for detainees, and permitting incommunicado detention of suspects for up to 30 days. People both within and outside the country had tried to improve the situation, but without any success to date. It was for those reasons that she had become a sponsor of the draft resolution.

24. Mr. SORABJEE said that, although not a sponsor, he was not impressed by the argument that it was wrong to single out Belarus. Human rights violations often occurred for systemic reasons and in Belarus those reasons included the lack of an independent judiciary and a free press. Mr. Alfonso Martínez might be technically correct when he argued that there was no specific international human rights provision protecting journalists, but journalists played a key role in ensuring freedom of the press, and press freedom was implicit in the guarantee of freedom of expression.

25. If judges could be removed by presidential decree, lack of security of tenure produced a servile judiciary that was unable to protect human rights. If a body such as the Human Rights Committee had criticized the human rights record of Belarus, its opinion should be given due weight.

26. Mr. ALFONSO MARTÍNEZ said that the Human Rights Committee had criticized the human rights records of a large number of States on which no draft resolution had been tabled by the Sub-Commission. Mr. Sorabjee's implication was that certain systems were intrinsically bad and incapable of guaranteeing human rights. He himself did not agree that parliamentary democracy was the only system under which human rights could be respected. Despite all the attempts to promote uniformity, the world would continue to produce diverse political, economic and social systems, not all of which were inherently incapable of promoting human rights.

27. Mr. AGURTSOU (Belarus) said that the sponsors of the draft resolution had made a biased assessment of the social and political situation in his country, using inconsistent, unsubstantiated and trumped-up information. Moreover, the question as to why his country had been singled out had not been answered. Belarus was fully prepared to engage in a dialogue on human rights issues and on the promotion of democratic change, as shown by its cooperation with an OSCE advisory-observer group which had begun work in the country in early 1998. If the Sub-Commission adopted the draft resolution, the process of cooperation with the OSCE group would be jeopardized and the group might even have to be withdrawn.

28. Allegations of inadequate freedom of expression could be made against virtually any country. The sponsors of the draft resolution had sided uncritically with the political opposition in Belarus. For example, the allegations made by an opposition leader during the session concerning illegal detention and overcrowding in prisons had been concocted with the backing of his foreign sponsors. Was it not odd that the NGO on whose behalf he had spoken was based in Washington?

29. Violations of human rights in Belarus were not ignored by the relevant State bodies. In 1997, legal proceedings had been instituted against 273 law-enforcement officials for such violations.

30. Belarus held to its position of principle that human rights were indivisible and interdependent and that their protection was the State's most important task. Constitutional standards were upheld and would continue to be upheld in Belarus. He therefore urged the members of the Sub-Commission to adopt an honest, principled, objective and judicious attitude to his country.

31. The vote was taken by secret ballot.

32. At the invitation of the Chairman, Mr. Eide and Mr. Pinheiro acted as tellers.

33. The draft resolution, as orally revised, was adopted by 17 votes to 4, with 3 abstentions.

Draft resolution on the situation of human rights in the Democratic People's Republic of Korea (E/CN.4/Sub.2/1998/L.7)

34. Mr. JOINET said that a draft resolution on the Democratic People's Republic of Korea had been adopted by a large majority at the Sub-Commission's forty-ninth session. According to the information available to the sponsors

of the current draft resolution, no significant improvement had occurred in the meantime except for the Government's participation in the consideration of its initial report to the Committee on the Rights of the Child. It was extremely difficult to obtain information regarding the human rights situation, particularly because of ongoing measures against journalists and human rights defenders. It was, furthermore, impossible for the vast majority of citizens to exercise the right to leave and return to their country without persecution.

35. He trusted that the draft resolution would be adopted and that the Commission on Human Rights would act in accordance with its recommendation; otherwise both bodies might subsequently regret their inaction. For many of the sponsors, including himself, it was a matter of conscience.

36. Mr. ALFONSO MARTÍNEZ said he, too, had problems of conscience with the draft resolution. In the light of experience, he wondered what the Sub-Commission could reasonably expect to achieve through its adoption. He doubted whether it would convince the Democratic People's Republic of Korea to be more cooperative with the United Nations system.

37. Referring to paragraph 5, he said it was inappropriate for the Sub-Commission to encourage NGOs to focus on problems in a specific country, while perhaps diverting attention from others. His position in the voting would be determined by those considerations.

38. Mrs. WARZAZI proposed that paragraph 5 be split in two. A separate paragraph was needed to highlight the urgent need for humanitarian assistance to the starving population of the Democratic People's Republic of Korea, regardless of the current human rights situation. The words "and to promote awareness about the food shortages and other economic hardships endured by its citizens" would be replaced by a new paragraph:

> "Invites international humanitarian organizations to promote a greater awareness at the international level of the consequences of the food shortages and other economic hardships on the citizens of the country and to render them substantial and effective assistance."

She preferred to use the word "effective" as well as "substantial" in view of the importance of ensuring that the assistance actually reached those who needed it.

39. Mr. JOINET said he thought that there might be a consensus among the sponsors to accept Mrs. Warzazi's amendment. He would, himself, have been prepared to delete paragraph 5 had he thought that would satisfy Mr. Alfonso Martínez's reservations.

40. Mr. SORABJEE said that the phrase "to promote awareness about the food shortages and other economic hardships endured by its citizens" blunted the thrust of the draft resolution and should not appear in paragraph 5.

41. Mr. DIAZ URIBE proposed a minor editorial change to the Spanish version.

42. Mr. FAN Guoxiang said that, while he had no intention of joining the sponsors since his thinking was running along different lines, he proposed that the second part of paragraph 5, after the words "Democratic People's Republic of Korea" be amended to read: "to appeal to the international community to give maximum assistance because of the food shortage in that country". Many countries had criticized the situation of human rights in the country, yet had failed to render the least assistance.

43. Mr. ALFONSO MARTÍNEZ said he regretted that he was still unable to withdraw his reservations concerning paragraph 5.

44. Mr. JOINET confirmed that the sponsors had accepted Mrs. Warzazi's amendment to that paragraph.

45. The CHAIRMAN put the draft resolution, as orally amended, to the vote.

46. The vote was taken by secret ballot.

47. At the invitation of the Chairman, Mr. Goonesekere and Mr. Park acted as tellers.

48. The draft resolution, as orally amended, was adopted by 19 votes to 4, with 1 abstention.

Draft resolution on the situation of human rights in Bahrain
(E/CN.4/Sub.2/1998/L.9)

49. Mr. AL-HADDAD (Observer for Bahrain), having reaffirmed his Government's continuing respect for human rights, fundamental freedoms and the rule of law, as well as its commitment to unqualified cooperation and constructive dialogue with United Nations human rights mechanisms, said that Bahrain had always responded to requests made in connection with the various human rights procedures, even when the allegations involved politically-motivated propaganda originating from extremist individuals or "associations" established outside Bahrain.

50. Recognizing the interdependence of human rights and development, and despite its limited resources, Bahrain provided free education, health care and welfare to all its citizens and was at the forefront of developing nations with regard to adult literacy and life expectancy.

51. Having recently acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, his Government was currently considering withdrawing Bahrain's reservation regarding article 20 of that Convention within one year. It had also agreed to extend an invitation to the Working Group on Arbitrary Detention to make a preparatory visit to Bahrain, the date of which would be fixed in consultation with the Chairman of the Working Group.

52. In the light of those developments, it was to be hoped that the Sub-Commission would lend its support to his Government and that the draft

resolution in question would be withdrawn. He thanked all the members of the Sub-Commission for the useful exchange of views and the positive dialogue achieved.

53. Ms. HAMPSON proposed that the draft resolution be withdrawn in view of the two highly significant recent developments to which the previous speaker had referred, as well as the constructive nature of the dialogue with the Government of Bahrain and its willingness to cooperate with human rights mechanisms. She hoped that the key paragraphs of the Bahrain statement would be covered in extenso in the summary record.

54. The CHAIRMAN assured Ms. Hampson that the paragraphs in question would be given full coverage. He took it that the draft resolution in question was to be withdrawn.

55. The draft resolution was withdrawn.

56. Mr. ALFONSO MARTÍNEZ said that he wished to make it clear that a decision to withdraw a draft resolution was made by its sponsors and was not a collective decision of the Sub-Commission. He, for one, had expressed no objection to the draft resolution.

57. The CHAIRMAN confirmed that the draft resolution had been withdrawn by its sponsors, in accordance with the rules of procedure.

Draft resolution on the situation of human rights in Algeria
(E/CN.4/Sub.2/1998/L.12)

58. Mr. WEISSBRODT, introducing the draft resolution, said that it had been the subject of extensive consultations and consensus had been reached on two changes, namely, deletion of the words "immediate and concrete", in paragraph 3 (b), and of the words "and to consider the appointment of a Special Rapporteur on the situation of human rights in Algeria", in paragraph 5 (a).

59. The draft resolution reflected the very serious human rights situation in Algeria, a situation which the Commission on Human Rights had proved quite unable to handle at its recent session. Ironically, shortly after the defeat in the Sub-Commission of a draft resolution on the issue, indiscriminate killings and widespread massacres of hundreds of Algerian civilians had occurred in August and September of the previous year. One year later, civilians continued to be targeted on a daily basis. Over the past six years, some 80,000 persons had been murdered as part of a violent and widespread campaign to terrorize the civilian population.

60. The draft resolution condemned terrorism with the utmost severity in recognition of the fact that many of the killings were committed by an armed opposition. No adequate investigations had, however, been made into the killings, including deaths in custody, and that despite the existence of extensive reports. Although some persons had been tried for being members of a group providing support to the group responsible for perpetrating the

crimes, no individual had ever been brought to justice for actually committing any of the crimes. In addition, the trials had evidently been unfair and nobody had been allowed to observe them.

61. The Algerian authorities had not allowed access by the Special Rapporteurs on questions relevant to torture and on extrajudicial, summary or arbitrary executions. Since 1997, access had also been refused to international human rights organizations such as Amnesty International, Human Rights Watch and the International Federation of Human Rights. Many foreign journalists continued to be denied entry to the country, and those allowed in were obliged to work under a 24-hour security forces escort. A recent high-level United Nations fact-finding mission to Algeria was due to report in the near future, but a two-week visit could not even begin adequately to address the situation.

62. It must be remembered that, after the Observer for Algeria had made his statement, the rules of procedure would not allow the members of the Sub-Commission to respond. He thus urged the members to adopt the draft resolution as an expression of the conscience of the Sub-Commission.

63. Mr. DEMBRI (Observer for Algeria) said that the draft resolution should be withdrawn since it failed to reflect accurately the situation in his country or to take account of the progress made in building a civil society and pluralist democracy there, including efforts to promote human rights, NGOs and an independent press. His Government, fully respectful of international human rights norms, was managing to combat terrorism effectively. As proof of transparency, the Sub-Commission should refer to the reports of recent fact-finding missions by the European Union. In recent months, a number of European journalists and intellectuals had also made on-site investigations in Algeria, and philosophers such as Bernard Henri Levy and André Gluskmann had published accurate descriptions of the barbaric terrorist activities, discounting a number of false allegations.

64. The CHAIRMAN put the draft resolution, as orally revised, to the vote.

65. The vote was taken by secret ballot.

66. At the invitation of the Chairman, Mr. Yimer and Mr. Alfonso Martínez acted as tellers.

67. There were 10 votes in favour, 10 against and 4 abstentions.

68. The draft resolution, as orally revised, was not adopted.

Draft resolution on the violations of the rights of human rights defenders in all countries (E/CN.4/Sub.2/1998/L.13)

69. Mr. BENGOA, introducing the draft resolution, said that it was a particularly appropriate draft resolution to appear in the year of the fiftieth anniversary of the Universal Declaration of Human Rights. There were two drafting changes to be made: in paragraphs 1 and 4, the first line should read "Urges each State to take any measure necessary within its own

jurisdiction to ensure ..."; and, in paragraph 4, the words "Cheikh Saad Bouh Kamara and Ms. Fatima M'Baye, President and Vice-President respectively of the Mauritanian Association of Human Rights" should be deleted, since it appeared that the two had been released from jail. Not all the other people listed were imprisoned, but in every case they faced severe problems owing to their work as human rights defenders.

70. Mr. ALFONSO MARTÍNEZ said he regretted that he had not been consulted on the draft resolution, about which he had serious reservations. He was disturbed by the growing tendency to focus on individuals rather than countries. While many on the list were undoubtedly worthy of respect, the choice was inevitably selective and in some countries - including his own - human rights activists worked on behalf of foreign Governments with ulterior motives. The main problem was that, ever since the open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms had been set up in 1984, it had been impossible to establish a satisfactory definition of a human rights defender. What one person might call a human rights defender another might call a terrorist. Moreover, it should not be overlooked that Governments and government officials could also defend human rights.

71. Mr. SIK YUEN said he wondered whether it might not be logical to delete the individual names listed in paragraph 4 altogether.

72. Mr. SORABJEE said he saw considerable force in Mr. Alfonso Martínez's remarks about definitions. It was questionable whether a person convicted of murder and terrorist acts after a fair trial could be called a human rights defender.

73. Mr. JOINET, having noted that human rights were still threatened in Mauritania despite the release of the President and Vice-President of the Mauritanian Association of Human Rights, said he agreed that "human rights defenders" should be further defined. After all, President Mandela of South Africa had once been a terrorist.

74. Mr. BENGOA said he was astonished that any doubt could be cast on the concept of a human rights defender, and particularly those listed in paragraph 4 of the draft resolution. All those active in the human rights field were aware who the real human rights defenders were. He noted that the sponsors of the draft resolution had subscribed to the list.

75. The CHAIRMAN, supported by Mrs. WARZAZI and Mr. ALFONSO MARTÍNEZ, suggested that the sponsors of the draft resolution should consider the text afresh and resubmit the draft resolution the following day.

76. It was so decided.

The meeting rose at 6 p.m.